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Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

In the Supreme Court of the United States

JEFFREY M. GRAY,

Petitioner,

v.

LISA A. SORENSON,

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of New Hampshire

PETITION FOR WRIT OF CERTIORARI

JEFFREY M. GRAY
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Petitioner pro se

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QUESTIONS PRESENTED

This Court has said in *Thompson v. Thompson*, 484 U.S. 174 (1988) that it is generally presumed that States and state courts are willing, able and will follow the federally mandated requirements of Title 28 U.S.C. §1738A Parental Kidnapping Prevention Act of 1980, (PKPA or Act) Full Faith and Credit Given to Child Custody Determinations. In *DeBoer v. DeBoer*, 509 U.S. 1301 (1993) Justice Stevens held that "[C]ourts are not free to take children from their parents simply by deciding another home appears more advantageous" and "[n]or does federal law authorizes unrelated persons to retain custody of a child whose natural parents have not been found unfit simply because they may be better able to provide for a children's future and their education."

1. Whether the Supreme Court of New Hampshire erred when it recognized and enforced a Maine custody degree that had "overturned" the Supreme Court of New Hampshire's own judgment to "reverse" the custody decree and Maine's custody decree was not made consistent provisions with 28 U.S.C. §1738A Parental Kidnapping Prevention Act of 1980 and thereby was not entitled to full faith and credit under Article IV Section 1 of the Constitution of the United States and the PKPA when the father challenged its registration and enforcement in New Hampshire?

2. Whether the Supreme Court of New Hampshire erred in holding that no error of law was committed when the children were removed from their parents who have not been found to be unfit and failed to provide the parents reasonable notice and opportunity to be heard in a hearing before their children were removed from their custody thereby violating the parents procedural due process rights protected by the

Due Process Clause of the Fourteenth Amendment and their fundamental "liberty interest" of a natural fit parent[s] right to care, custody and control over their children protected under the substantive component of the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States?

LIST OF PARTIES

RULE 14.1(b) STATEMENT

A list of all parties to all the proceedings in the Supreme Court of New Hampshire whose judgments are the subject of this petition are as follows;

Case No. 2006-0349
Petition of Jeffrey M. Gray

Petitioner-Appellant, Petitioner: Jeffrey M. Gray, Father
Respondent-Appellee, Respondent: Lisa A. Sorenson, Intervener

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Case No. 2004-0738
In the Matter of Jeffrey M. Gray and Janette L. Gray

Petitioner-Appellant, Petitioner: Jeffrey M. Gray, Father
Petitioner-Appellant: Respondent: Janette L. Gray (a/k/a Janette Silva), Mother
Mary Ann Pilkerton Casey, Esquire, amicus
Mary Ann Callanan, Esq., Guardian ad Litem
Lisa A. Sorenson, Intervener, by brief

TABLE OF CONTENTS

Page

QUESTIONS PRESENTED i

LIST OF PARTIES iii

RULE 14.1(b) STATEMENT iii

TABLE OF AUTHORITIES v

PETITIONERS PRAYER FOR WRIT OF CERTIORARI.... 1

OPINIONS BELOW 1

STATEMENT OF JURISDICTION 2

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVE 5

STATEMENT OF THE CASE 7

REASONS FOR GRANTING THE PETITON 22

I. THE FEDERAL QUESTION 22

II. PROCEDURAL DUE PROCESS WAS DENIED 27

III. PARENTS RIGHTS TO CUSTODY OF THEIR CHILDREN 29

CONCLUSION 30

TABLE OF AUTHORITIES

CASES

Page

Baldwin v. Hale
68 U.S. (1. Wall.) 223, 233 (1863).....27

D.B. and T.B. v. M.A.
Cases No. 2050034 and 2050277
(Ala. Civ. App. May 26, 2006).....28

DeBoer v. DeBoer
509 U.S. 1301 (1993).....i

Ex Parte Raywood
549 So. 2d 103, 104 (Ala. Civ. App. 1989).....28

Ex Parte Dean
447 So. 2d 733, 737 (Ala. 1984).....28

Goldberg v. Kelly
397 U.S. 254, 267-68 (1970).....27

Griswold v. Connecticut
381 U.S. 479, 496 (1965).....29

Halvey v. Halvey
330 U.S. 610, 614 -615 1947).....25

In the Matter of Jeffrey Gray and Janette Gray
153 N.H. 200 (2006).....10, 12, 13, 30, 10a

Kulka v. Superior Court of California
436 U.S. 84, 91, 98 (1978).....28

Mav v. Anderson,
345 U.S. 528, 543 (1953).....28

Meyer v. Nebraska
262 U.S. 390 (1923).....29

Mullane v. Central Hanover Trust Co
339 U.S. 306, 314 (1950).....27

Stanley v. Illinois
405 U.S. 645, 658, 92 S.Ct. 1208 (1972).....27, 29

Skinner v. Oklahoma
316 U.S. 535, 541 (1942).....29

Troxel v. Granville
*530 U.S. (2000).....*10, 12, 29, 30, 31a, 32a, 15a, 16a, 17a

Thompson v. Thompson,
484 U.S. 174 (1988).....i, 22, 23, 25, 26, 30

FEDERAL STATUTES

28 U.S.C. §1257(a).....4, 24

28 U.S.C. § 2101(c).....4

28 U.S.C. §1738.....5, 84a

28 U.S.C. §1738A.....2, 8, 15, 17, 21, 22, 23, 24, 25, 28
78a. 85a, 136a

No._____

In The
Supreme Court of the United States

OCTOBER TERM, 2006

JEFFREY M. GRAY,
Petitioner,

v.

LISA A. SORENSON,
Respondent.

PETITIONER'S PRAYER FOR A WRIT OF CERTIORARI

The Petitioner, JEFFREY M. GRAY, respectfully prays that a writ of certiorari issue to review the judgments of the Supreme Court of New Hampshire entered in the entitled proceeding Case No. 2004-0738 In the Matter of Jeffrey M. Gray and Janette L. Gray on July 8, 2005, August 25, 2005, January 27, 2006 and April 3, 2006 and to review the judgments of the Supreme Court of New Hampshire entered in the entitled proceeding Case No. 2006-0349 Petition of Jeffrey Gray on June 13, 2006 and November 28, 2006.

OPINIONS BELOW

The Supreme Court of New Hampshire judgments attached to Appendix A are; the November 28, 2006 3JX (Three Judge Expedited) Order of the Supreme Court of New

Hampshire in Case No. 2006-0349 Petition of Jeffrey Gray attached at Appendix A, page 1a is not reported. The June 13, 2006 Order of the Supreme Court of New Hampshire in Case No. 2006-0349 Petition of Jeffrey attached to Appendix A, page 4a is not reported. The April 3, 2006 Order of the Supreme Court of New Hampshire in Case No. 2004-0738 In the Matter of Jeffrey Gray and Janette Gray attached at Appendix A, page 6a is not reported. The January 27, 2006 Order of the Supreme Court of New Hampshire in Case No. 2004-0738, In the Matter of Jeffrey Gray and Janette Gray attached at Appendix A, page 7a is not reported. The January 27, 2006 Opinion of the Supreme Court of New Hampshire in Case No. 2004-0738, In the Matter of Jeffrey Gray and Janette Gray attached at Appendix A, page 10a is reported at 153 N.H. 200 (2006). The August 25, 2005 Order of the Supreme Court of New Hampshire in Case No. 2004-0738, In the Matter of Jeffrey Gray and Janette Gray attached at Appendix A, page 19a is not reported. The July 8, 2005 Order of the Supreme Court of New Hampshire in Case No. 2004-0738, In the Matter of Jeffrey Gray and Janette Gray attached at Appendix A, page 21a is not reported.

STATEMENT OF JURISDICTION

The Petitioner, Jeffrey M. Gray invoked subject matter jurisdiction under Federal Public Law Title 28 U.S.C. §1738A Parental Kidnapping Prevention Act of 1980 under its heading Full Faith and Credit Given to Child Custody Determinations; the Full Faith and Credit provision of Article IV §1 of the United States Constitution; the Laws of the United States under the Supremacy Clause of Article VI §2 of the United States Constitution; his fundamental "liberty interest" of a natural parent in the care, custody and management of his children protected by the substantive

component of the Due Process Clause of the Fourteenth Amendment of the United States Constitution; his procedural due process rights protected by the Procedural Due Process Clause of the Fourteenth Amendment of the United States Constitution, thereby invoking federal question jurisdiction.

On January 27, 2006 the Opinion of the Supreme Court of New Hampshire in Case No. 2004-0738 In the Matter of Jeffrey Gray and Janette Gray GRANTED Jeffrey Gray's and Janette Gray's appeal when the Supreme Court struck down and reversed a lower district court's child custody decree that granted physical custody of Mr. Gray's and the childrens' mother, Janette Gray's two biological children to Lisa Sorenson of the State of Maine, a third party intervener in the parents New Hampshire divorce matter. The decision of the Supreme Court of New Hampshire resulted in favor of the childrens' natural parents, Jeffrey Gray and Janette Gray.

On January 31, 2006 Lisa Sorenson immediately forum shopped the courts of the State of Maine requesting the same child custody determination be "more favorable" than having being "reversed" four days earlier in New Hampshire. On February 7, 2006 State of Maine "overturned" the judgment of the Supreme Court of New Hampshire's "reversal" of the custody decree to Lisa Sorenson by entering an ex parte temporary guardianship custody decree "on the bench" in her favor and issued its written order dated February 10, 2006. On May 2, 2006 the York County Probate Court entered a permanent guardianship custody decree in favor of Lisa Sorenson retaining custody of Mr. Gray's and the childrens' mother, Janette Gray's children. On May 18, 2006 Mr. Gray appealed to the highest court of the State of Maine, the Maine Supreme Judicial Court. The judgment of the Maine Supreme Judicial Court in Docket No. Yor-06-320 In RE: Jonathon Gray and Leeanna Gray was entered on January 9,

2007 which DENIED Mr. Gray's appeal thus created the current intractable impasse between the two states of New Hampshire and Maine regarding Lisa Sorenson's custody of Jeffrey Gray and Janette Gray's children. The jurisdiction of this Court is thus invoked under 28 U.S.C. §1257(a) to review the judgment of the Maine Supreme Judicial Court under a separate petition for a writ of certiorari to the Maine Supreme Judicial Court filed simultaneously with this petition. That petition has been timely filed under 28 U.S.C. § 2101(c) and Supreme Court Rule 13.5 because an application for an extension of time within which to file a petition for a writ of certiorari to the Maine Supreme Judicial Court in the entitled case Jeffrey Gray v. Lisa Sorenson, Application No. 06A821 was presented to Justice Souter, who on February 27, 2007 extended the time to and including April 27, 2007.

The June 13, 2006 Order of the Supreme Court of New Hampshire in Case No. 2006-0349 Petition of Jeffrey Gray GRANTED Mr. Gray's Petition for a Writ of Certiorari. On November 28, 2006 the Supreme Court of New Hampshire entered a 3JX (Three Judge Expedited) Order that DENIED Mr. Gray's writ of certiorari.

Pursuant to Supreme Court Rule 12.4 all of the judgments of the Supreme Court of New Hampshire have been consolidated into this single petition. The jurisdiction of this Court is thus invoked under 28 U.S.C. §1257(a) to review all the judgments of the Supreme Court of New Hampshire.

This petition is timely filed under 28 U.S.C. § 2101(c) and Supreme Court Rule 13.5 because an application for an extension of time within which to file a petition for a writ of certiorari to the Supreme Court of New Hampshire in the

entitled case Jeffrey Gray v. Lisa Sorenson, Application No. 06A820 was presented to Justice Souter, who on February 27, 2007 extended the time to and including April 27, 2007.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article. III. Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States

ARTICLE. IV. Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

ARTICLE. IV. Section. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

ARTICLE. VI Clause. 2. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

BILL OF RIGHTS ARTICLES OF AMENDMENTS TO THE CONSTITUTION OF THE UNITIED STATES OF AMERICA-1787

The Fourteenth Amendment

ARTICLE. [XIV.]. Section. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FEDERAL PUBLIC LAW UNITED STATES CODE BY AN ACT OF CONGRESS OF THE UNITED STATES OF AMERICA

Title 28 U.S.C. §1738. Full Faith and Credit
Title 28 U.S.C. §1738A.Parental Kidnapping Prevention Act of 1980 (PKPA or Act)Full Faith and Credit Given To Child Custody Determinations

The full text of the Title 28 U.S.C. §1738 and §1738A. PKPA is attached at Appendix C, Page 84a. & 85a.

STATE OF NEW HAMPSHIRE CONSTITUTION

Part I, Bill of Rights. Article II - Natural Rights. All men have certain natural, essential, and inherent rights – among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.

Part I, Bill of Rights Article XIV – Legal Remedies. Every subject of this state is entitled to a certain remedy, by

having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

STATE OF NEW HAMPSHIRE REVISED STATUTES ANNOTATED (NH RSA)

The full text of the relevant State of New Hampshire Revised Statutes Annotated state statute law is attached at Appendix C, Page 93a.

STATEMENT OF THE CASE

This case arises out of child custody forum shopping of state courts that resulted in the entry of conflicting state child custody decrees by New Hampshire and Maine. The Supreme Court of New Hampshire "reversed" a custody decree to Lisa Sorenson in favor of the childrens' natural parents, Jeffrey and Janette Gray. Immediately after the judgment of the Supreme Court of New Hampshire Lisa Sorenson forum shopped the courts of Maine and the State of Maine entered a custody decree in "favor" of Lisa Sorenson effectively "overturning" the judgment of the Supreme Court of New Hampshire's "reversal" of the custody decree and in favor of the parents. Thus arose the current intractable stalemate and deadlock between the two states over Lisa Sorenson's custody of the natural parents' Jeffrey Gray and Janette Gray's children, Jonathon Gray and Leeanna Gray.

Jeffrey M. Gray and Janette L. Gray were married and two children were born of their marriage, Jonathon M. Gray, and Leeanna E. Gray. Both children were born in the State of New Hampshire. Jeffrey and Janette Gray and their

family were residents and citizens of the State of New Hampshire.

In September of 1999 Jeffrey commenced an action in Rockingham County Salem District Court Family Division at Salem (Salem District Court) in the State of New Hampshire seeking final dissolution of his marriage to Janette and custody of their minor children. The Court entered the matter under Docket No. 1999-M-0183 In the Matter of Jeffrey M. Gray and Janette L. Gray. In October, 1999 the Salem District Court issued a Temporary Decree that awarded Jeffrey sole physical custody of the minor children. (*See* App. B, Page 79a). Jeffrey raised and cared for the children in Salem, New Hampshire for the next three years while Janette resided in Massachusetts.

Jeffrey and Janette were divorced on August 7, 2002. (*See* App. B, Page 56a, 60a, 70a). The matter became final on September 10, 2002. (*See* App. B, Page 54a). The Salem District Court's final Decree of Divorce included Mr. Gray's Proposed Finding of Fact and Ruling of Law dated August 7, 2002 granted in part. (*See* App. B, Page 59a, 70a, 78a). Mrs. Gray was awarded sole custody of the children subject to Mr. Gray's visitation with the children. (*See* App. B, Page 60a) The children then relocated to Massachusetts where Janette continued to reside. The Court decreed in the divorce decree pursuant to New Hampshire Revised Statutes Annotated (NH RSA) Uniform Child Custody Jurisdiction Act (UCCJA) RSA 458-A:3, I(b), New Hampshire shall be deemed the children's "home" state for purposes of any litigation on custody or visitation. (*See* App. B, Page 57a). The Court made a ruling of law in the divorce decree; Ruling of Law No. 59, "New Hampshire is the children's home state within the meaning of RSA 458-A:3 (New Hampshire's version of the Uniform Child Custody Jurisdiction Act) and

28 U.S.C. §1738(b)(4), the Federal Parental Kidnapping Prevention Act." (*See* App. B, Page 78a).

The Salem District Court subsequently modified the Decree of Divorce when it granted Mr. Gray and Ms. Gray joint legal of the children. (*See* App. B, Page 52a). On July 30, 2004 Jeffrey and Janette ended their dispute and entered into a written "Agreement" to share joint physical and legal custody of the children who would resume residing with Mr. Gray. The Salem District Court entered an order dated July 30, 2004 that modified the Decree of Divorce pursuant to the parents' "Agreement." (*See* App. B, Page 47a). On August 26, 2004 the parents amended their prior agreement to reflect that Janette was going not going to relocate to New Hampshire; the parents executed a written "Stipulation" and the Salem District Court Order modified the Decree of Divorce pursuant to the parents "Stipulation." (*See* App. B, Page 42a). All other provisions of the July 30th order which were not inconsistent with the modifications remained in full force and effect. (*See* App. B, Page 46a).

On August 28th, 2004 Mr. Gray obtained custody of his children pursuant to the parents July 30th, 2004 "Agreement". (*See* App. B, Page 47a, 49a). The children began school on September 1, 2004 in Salem, New Hampshire; Mr. Gray was employed as a civil engineer, was actively searching for a more permanent home and was caring for his children as a fit parent.

On October 8, 2004 the Salem District Court, *sue sponte* upon its own motion, held a review hearing in the divorce matter. Mr. Gray and Ms. Gray were in attendance, both represented by their counsel and also an unwelcome intervener, Lisa Sorenson of the State of Maine. The court took exception to the children living a hotel despite Mr. Gray

adequately caring for his children as a fit parent. The October 15, 2004 Order of the Salem District Court entered an order that removed the children from their natural parents who had not been judicially found unfit and entered a custody determination that placed the parents' children with Lisa Sorenson. (*See* App. B, Page 37a). The court denied both Mr. Gray and Ms. Gray an opportunity to heard on the matter despite the parents repeated requests to be heard and their repeated requests to the court to reconsider. The hearing lasted only seventeen minutes. (*See* App. A, Page 14a).

Jeffrey and Janette appealed to the Supreme Court of New Hampshire, they requested that the lower district courts order custody decree to Lisa Sorenson be reversed and vacated and that their children be returned to the parents custody. The matter was taken up for appellate review and entered into the Courts docket as "Case No. 2004-0738 In the Matter of Jeffrey Gray and Janette Gray." The parents argued the District Court Order was wrong and it violated the parents fundamental "liberty interest" of natural parents in the care, custody and management of their children protected by the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States and as in this Courts case in *Troxel v. Granville*, 530 U.S. 57 (2000). Mr. Gray and Ms. Gray also argued that the court violated the parents procedural due process rights which is protected by the Procedural Due Process Clause of the Fourteenth Amendment of the Constitution of the United States when on October 8th, 2004 the trial court refused the parents an opportunity to heard on the matter despite the parents repeated requests to be heard and their repeated requests to the court to reconsider and then entered an order that deprived the parents of custody of their children. (*See* App. B, Page 11a, 15a).

On March 15, 2005 the Salem District Court entered an Order that the issues of placement of the parents children and child support ordered to Lisa Sorenson have been appealed to the New Hampshire Supreme Court and there has been no stay of those orders, consequently, those orders are temporary orders and were reaffirmed by the Court. (*See* App. B, Page 37a).

On February 22, 2005 Mr. Gray registered his and Ms. Gray's New Hampshire child custody orders in the State of Maine where the children resided pending the parents appeal in New Hampshire. Mr. Gray filed three separate "State of Maine Affidavit And Request For Registration Of A Foreign Order" in the Biddeford District Court in Biddeford Maine which entered the registrations under Docket No. BID-FM-05-89 Jeffrey M. Gray v. Janette L. Gray pursuant to Maine's Uniform Child Custody Jurisdiction and Enforcement Act, 19-A M.R.S.A. § 1731et seq. Each child custody order registered was authenticated, certified, signed and sealed by the Clerk of the Salem District Court of New Hampshire. The registered orders were the October 15th, 2004 order in favor of Lisa Sorenson on appeal to the Supreme Court of New Hampshire, (*See* App. D, Page 155a), and Mr. Gray's own child custody order[s] in the parents Decree of Divorce dated July 30th, 2004 and August 26, 2004, both of which had not been modified or on appeal. (*See* App. D, Page 158a and 161a). On May 4, 2005 the Biddeford District Court issued three separate "Notices of Registration" for each of the three child custody orders Mr. Gray registered stating that pursuant to 19-A M.R.S.A. § 1765 of the Uniform Child Custody Jurisdiction and Enforcement Act the New Hampshire child custody orders were registered as of February 22, 2005. (*See* App. D, Page 148a, 150a and 152a). Lisa Sorenson was notified by the

Biddeford District Court because she had physical custody of the children. (*See* App. D, Page 154a).

The July 8, 2005 Order of the Supreme Court of New Hampshire requested the Administrative Advocacy Clinic at Franklin Pierce Law Center to file an amicus curiae brief in the parents appeal to address the issue of applicability and effect of this Courts case in *Troxel v. Granville*, 530 U.S. 57 (2000). (*See* App. A, Page 21a). On August 8, 2005 Mary Pilkington-Casey, Esq. filed a brief as amicus curiae. (*See* App. A, Page 11a, 15a). Mr. Gray filed a reply brief to the brief of amicus curiae. (*See* App. A, Page 11a). The August 25, 2005 Order of the Supreme Court of New Hampshire allowed Lisa Sorenson to file a brief on the issues raised in the appeal. (*See* App. A, Page 19a). Lisa Sorenson filed a brief. (*See* App. A, Page 11a, 15a). On September 29, 2005 the Supreme Court of New Hampshire heard oral argument from Mr. Gray. (*See* App. A, Page 11a). On December 5, 2006 the Salem District Court issued a "Notice of Hearing – Marital" by Order of the Family Division for a scheduled "Review Hearing" on March 27, 2006, Lisa Sorenson of the State of Maine was notified of the pending hearing in New Hampshire. (*See* App. B, Page 37a).

On January 27, 2006 the Supreme Court of New Hampshire issued its judgment by written Opinion. (*See* App. A, Page 10a). The Court rejected the argument of amicus curiae that the trial court's custody determination comports with this Courts case in *Troxel v. Granville*, 530 U.S. 57 (2000) and rejected Lisa Sorenson's argument urging the Supreme Court of New Hampshire to uphold the trial courts determination in her favor, arguing that the children were in danger if left in the care of their parents. (*See* App. B, Page 15a). Neither parent had been found to be unfit from the Opinion. The Supreme Court made a finding

that the case below was a divorce proceeding between two parents "who had not been found unfit." (*See* App. A, Page 18a). The Court reversed the trial court's custody determination to Lisa Sorenson and remanded the case to the trial court for further proceedings consistent with the Opinion. (*See* App. A, Page 18a). The Supreme Court further held that "[w]e reach the same result under the Federal Constitution" and adjudged in favor of the natural parents, Jeffrey Gray and Janette Gray. (*See* App. A, Page 18a). The Opinion was subject to a 10-day period for motions for rehearing. On January 27, 2006 the Supreme Court of New Hampshire entered an Order that dismissed Mr. Gray's pending motions, one of which was for motion for leave to transfer the childrens' therapist testimony in the lower court to the Supreme Court, as moot in light of the courts written Opinion. (*See* App. A, Page 8a).

On January 27, 2006 Mr. Gray, through his New Hampshire counsel, Ms. Paula J. Werme, filed in the Salem District Court a motion requesting the return of his children to his custody based on the Supreme Court of New Hampshire's judgment. (*See* App. B, Page 30a). On January 30, 2006 the Salem District Court entered an Order that the matter shall be scheduled for an appropriate hearing after the court received the certified Order from the New Hampshire Supreme Court. (*See* App. B, Page 29a).

On January 31, 2006 Lisa Sorenson forum shopped the courts of the State of Maine by filing an ex parte petition for temporary and permanent guardianship over Mr. Gray's and the childrens' mother, Janette Gray's children in the York County Probate Court (Probate Court) in Alfred, Maine. Lisa Sorenson made allegations in her petition that both parents, Mr. Gray and Ms. Gray were found unfit by the New Hampshire courts and abused their children and

requested the same child custody determination be "more favorable" to her than that of being "reversed" four days earlier by the Supreme Court of New Hampshire. Her Maine petition was filed while proceedings in New Hampshire were pending; Mr. Gray's January 27th, 2006 motion in the Salem District Court for return of his children in the Salem District Court, the Salem District Courts January 30th, 2006 Order ordering that a hearing in the matter will be scheduled as soon as they receive the certified mandate from the Supreme Court of New Hampshire. Lisa Sorenson also filed her Maine petition while the time for filing post-opinion motions was tolling in the Supreme Court of New Hampshire and without filing any post-opinion motions. Lisa Sorenson failed to notify either the Supreme Court of New Hampshire or the Salem District Court of the Maine court proceedings as required by New Hampshire state law. On February 7, 2007 the York County Probate Court held an expedited hearing on Lisa Sorenson's petition. The parents were not present; neither parent received any notice of the hearing. The Probate Court (Judge Robert M.A. Nadeau) dictated an immediate "on the bench" Ex Parte Order of Temporary Guardianship custody decree "in favor" of Lisa Sorenson with full knowledge of the Supreme Court of New Hampshire's judgment four days earlier. On February 10, 2006 the Clerk of the Probate Court issued the courts written Ex Parte Order on Temporary Guardianship and scheduled a final hearing on the matter on April 19, 2006. (*See* App. D, Page 144a).

On February 13, 2006 the Clerk of the Supreme Court of New Hampshire issued the Opinion Certified as Mandate to the Salem District Court. (*See* App. A, Page 10a). On or about February 16, 2007 Mr. Gray learned about the State of Maine court proceedings and the Probate Court's Ex Parte

Order on Temporary Guardianship. Mr. Gray immediately retained a Maine attorney, Mr. Thomas Greco.

On February 23, 2006 Lisa Sorenson filed a petition in the Salem District Court in New Hampshire to register the Maine Probate guardianship custody decree in the State of New Hampshire. The Salem District Court entered Lisa Sorenson's petition under two separate dockets, Docket No. 2006-G-0010 In the Matter of Jonathon Gray and Docket No. 2006-G-0011 In the Matter of Leeanna Gray. Mr. Gray, through his New Hampshire counsel, Paula J. Werme filed a written objection in the Salem District Court. The Salem District Court refused to schedule the remand hearing Ordered by the Supreme Court of New Hampshire's Mandate dated February 13, 2006; the trial court NEVER gave the parents Mr. Gray or Janette Gray an opportunity to be heard in order to gain back custody of their children, thereby depriving the parents of their children. (*See* App. B, Page 29a). Instead, on March 1, 2006 the Salem District Court entered an Order that the Salem District Court ""defers" jurisdiction to the State of Maine." (*See* App. B, Page 28a). Mr. Gray, through counsel filed an objection to the Salem District Court's March 1st, 2006 order. On February 28th, 2006 Mr. Gray, through his Maine counsel, filed a motion to vacate the guardianship based on lack of subject matter and personal jurisdiction under the 28 U.S.C. §1738A Parental Kidnapping Prevention Act. (*See* App. D, Page 133a). Mr. Gray also filed an affidavit in support of his motion. (*See* App. D, Page 140a). The Probate Court denied Mr. Gray's request on March 22, 2006. (*See* App. D, Page 139a).

On March 31, 2006 Mr. Gray, through his New Hampshire counsel filed a Motion to Show Cause in the Supreme Court of New Hampshire. On April 3, 2006 the

Supreme Court of New Hampshire entered an Order that on February 13, 2006 the clerk of the Supreme Court issued the mandate in the case returning jurisdiction of the matter to the Salem Family Division and that the father's ex-parte motion for enforcement of the custody decree is denied without prejudice to the father seeking relief in the family division and the father's motion to show cause is denied." (*See* App. A, Page 6a).

On April 7, 2006 Mr. Gray filed an Ex Parte Motion for Enforcement of his registered July 30th and August 26th, 2004 New Hampshire custody degrees in the Biddeford District Court in Biddeford, Maine. The Court (Judge Christine Foster) granted Mr. Gray's motion and Ordered "after having read the Probate Courts order," "believe that it was unenforceable against Mr. Gray" and that "further proceedings in this matter should be concluded in the State of New Hampshire." (*See* App. D, Page 131a). On April 10, 2007 Mr. Gray executed the Enforcement Order and obtained custody of his children, Jonathon and Leeanna Gray in Maine. The children returned with their father to their family home in New Hampshire. Lisa Sorenson immediately reported Mr. Gray to the State of New Hampshire Division of Child Youth and Family Services (DCYF) claiming Mr. Gray abused his children. Mr. Daryl Bazydlo, Child Protective Service Worker contacted and spoke to Mr. Gray who cooperated with the investigation. Mr. Bazydlo also spoke to both children at their school; he investigated all of Lisa Sorenson's allegations. On June 5, 2006 New Hampshire DCYF issued a letter that stated its investigation of Mr. Gray's family was complete and the determinations (Lisa Sorenson's allegations) that Mr. Gray had abused and neglected his children is UNFOUNDED. Mr. Bazydlo concluded there was no evidence that Mr. Gray was an unfit parent. (*See* App. D, Page 111a).

Lisa Sorenson filed a motion for reconsideration in the Maine Biddeford District Court requesting that the court vacate its enforcement order. On April 11, 2006 Judge Robert M.A. Nadeau of the Maine Probate Court sent a letter to Judge Christine Foster of the Maine Biddeford District questioning Judge Foster's authority and asserting that he had exclusive jurisdiction over the custody of the children in his court. (*See* App. D, Page 124a, 128a). On April 18, 2006 the Salem District Court issued a Notice of Hearing setting May 11, 2006 to hear Mr. Gray's objection to Lisa Sorenson's petition to register her guardianship orders. (*See* App. B, Page 26a). On April 19, 2006 the Probate Court held "[t]he review hearing in this matter." (*See* App. D, Page 123a). The April 19th hearing was recorded and official transcript of the hearing were prepared for appellant review. Lisa Sorenson was present, Mr. Gray and Ms. Gray did not appear, however Mr. Gray's New Hampshire counsel, Paula J. Werme, Esq. attended and respectfully informed the Probate Court that the Probate Court lacks subject matter jurisdiction under the Federal PKPA Law and has no personal jurisdiction over a non-resident New Hampshire fit parent. (*See* App. D, Page 125a, 126a). On April 25, 2004 the Probate court issued a "Report of UCCJA Conference" asserting that Judge Nadeau had a 30-minute telephonic conference with Martial Master Bruce Dalpra of the Salem District Court on April 24, 2006. (*See* App. D, Page 123a). On April 25, 2006 Judge Foster held a hearing on Lisa Sorenson's motion for reconsideration to vacate Mr. Gray's enforcement order; Judge Foster reviewed Probate Court Judge Nadeau's UCCJA report. Mr. Gray was represented by his New Hampshire counsel, Paula J. Werme. (*See* App. D, Page 120a). On April 27, 2006 Judge Foster of the Biddeford District Court entered an order stating "[i]t remains concerned about the lack of actual notice provided to Mr. Gray in regard to the guardianship hearing conducted

in the York County Probate Court." (*See* App. D, Page 121a). The Court granted Lisa Sorenson's Motion for Reconsideration and vacated its Ex Parte Order of April 7, 2006 which Mr. Gray had already executed on April 10, 2006 asserting the New Hampshire Orders which Mr. Gray sought to be registered in Maine had not been registered. (*See* App. D, Page 120a).

On May 1, 2006 Mr. Gray brought Jonathon and Leeanna to school that morning, he expected to pick up his children in the afternoon after school just like any other parent in the United States. At 10:00 a.m. that morning Lisa Sorenson went to the Salem District Court and filed an ex parte "emergency" motion for enforcement of the Maine guardianship custody decree requesting immediate custody of Mr. Gray and Ms. Gray's children. The Salem District court held an immediate ex parte hearing. No notice or opportunity to be heard was given to either Mr. Gray or Ms. Gray. The Salem District Court then entered an "Order On Ex Parte Motion" dated May 1, 2006 which granted Lisa Sorenson's "emergency" motion. (*See* App. B, Page 24a). Mr. Gray was unaware that the Biddeford District Court had vacated its April 7th, 2006 Enforcement Order as he had not received the April 27th, 2006 Order. Lisa Sorenson had received that order and filed it with her "emergency" motion. Mr. Gray expected his children to be at the school when he arrived at 3:00 p.m. Instead he found his children missing, they were gone. Mr. Gray was given the Salem District Court's May 1, 2006 Order from school officials and learned that his children were removed from their New Hampshire school by Lisa Sorenson and taken back to the State of Maine. (*See* App. B, Page 24a). On May 1, 2006 the Salem District Court also issued a Notice of Hearing "cancelling" the scheduled May 11, 2006 hearing on the merits of Lisa Sorenson's Petition to Register Foreign Order, effectively

denying Mr. Gray and Ms. Gray's the opportunity to be heard before the Court on May 11, 2006 on their objection to Lisa Sorenson's petition to register her foreign orders, thereby depriving the parents of custody of their children. (*See* App. B, Page 22a).

On May 2, 2006 the Maine Probate Court, on the first day Jonathon and Leeanna Gray were back in the State of Maine granted Lisa Sorenson's pending petition for permanent guardianship of Mr. Gray's and the children's mother Janette Gray's children by entering an "Order On Petition For Appointment Of Guardianship of Minor Alleging Intolerable Living Situation" asserting that based on a "final hearing" in the matter that "a living situation had been created that was at least temporarily intolerable for the minor in that the minor parents have an established history of neglect, if not outright abuse concerning the minor and have failed to demonstrate that their conduct will not continue." (*See* App. D, Page 117a). The only other hearing in the Probate Court held in the matter was "As represented at the "review hearing" in this matter on April 19, 2006" as reported in the Probated Court's "Report of UCCJA Conference dated April 25, 2006. (*See* App. D, Page 123a). There was never any "final hearing" in the Probate Court as asserted by the May 2nd, 2006 order. As such, both natural parents were never given "proper notice" of a "final hearing" and were never given any opportunity to be heard at a "final hearing" as the Probate Court's May 2, 2006 order asserts. (*See* App. D, Page 118a,). On May 2, 2006 the Maine Probate Court also entered an "Appointment of Guardian of Minor" for each of Mr. Gray's and the children's mother Janette Gray's children that appointed Lisa Sorenson as "full guardian" who could retain custody of Mr. Gray and Ms. Gray's children. (*See* App. D, Page 114a). On May 18, 2006 Mr. Gray appealed the Probate Courts decision to the Maine

Supreme Judicial Court. On January 9, 2007 the Maine Supreme Judicial Court denied Mr. Gray's appeal asserting the Maine court complied with the requirements of federal public law 28 U.S.C. §1738A Parental Kidnapping Prevention Act of 1980 thus creating the current intractable impasse between New Hampshire and Maine concerning Lisa Sorenson's custody of Mr. Gray and the children's mother Janette Gray's children. (*See* App. D, Page 112a).

On June 5, 2006, the State of New Hampshire Division of Child Youth and Family Services (DCYF), Mr. Daryl Bazydlo, Child Protective Service Worker conducted an official investigation into all of Lisa Sorenson's allegations that Mr. Gray and Ms. Gray abused their children. Mr. Bazydlo went to their New Hampshire school and spoke directly with Jonathon and Leeanna with school officials who were present at the interview and later with Mr. Gray. On June 5, 2006 the State of New Hampshire DCYF stated that their assessment of Mr. Gray's family was complete and Lisa Sorenson's reported determinations that Mr. Gray and Ms. Gray had abused and neglected their children were UNFOUNDED and made no finding that either Mr. Gray or the children's mother Janette Gray was an unfit parent. (*See* App. D, Page 111a).

Mr. Gray filed a Petition for Writ of Certiorari to the Supreme Court of New Hampshire appealing the Salem District Court's May 1, 2006 Order requesting the Supreme Court of New Hampshire exercise its original jurisdiction. Mr. Gray appealed on grounds asserting that the trial court violated Mr. Gray's and the childrens' mother Janette Gray's procedural due process right to receive notice and opportunity to be heard protected by the Fourteenth Amendment of the Constitution of the United States which deprived the parents of custody of their children and their

fundamental "liberty interest" of a natural "fit" parents in the care, custody and management of their children protected by the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States were violated when the trial court refused to hold the remand hearing to make orders consistent with the Supreme Court of New Hampshire's January 27, 2006 Opinion in Case No. 2004-0738 In the Matter of Jeffrey Gray and Janette L. Gray as mandated to do so by the Supreme Court of New Hampshire's Mandate issued on February 13, 2006 and when the trial court enforced a Maine guardianship order which was made inconsistent with 28 U.S.C. §1738A PKPA and therefore unenforceable under the Act itself and not entitled to the Full Faith and Credit provision of Article IV §1 of the United States Constitution when Mr. Gray objected and challenged Lisa Sorenson's petition to register and enforce the Maine guardianship custody decrees in the Salem District Court. Mr. Gray requested that his petition for writ of certiorari be granted, that he be granted expedited relief and ex parte relief that his children be returned to the parents' custody. The Supreme Court of New Hampshire entered Mr. Gray's petition in its docket under Case No. 2006-0349 Petition of Jeffrey Gray. On June 13, 2006 the Supreme Court of New Hampshire granted Mr. Gray's petition for writ of certiorari, denied his request for ex parte custody of his children, granted his request for expedited relief and assigned the matter to the 3JX (Three Judge Expedited) docket, rather than before all five justices of the Supreme Court of New Hampshire. (*See* App. A, Page 4a). Attorney Holt, Lisa Sorenson's Maine counsel never responded to the Supreme Court of New Hampshire notice in its June 13, 2006 Order. (*See* App. A, Page 4a). Lisa Sorenson filed a brief on her own behalf and on July 19, 2006 the Court heard oral argument from Mr. Gray's counsel, Paula J. Werme and Lisa Sorenson.

On November 28, 2006 the Supreme Court of New Hampshire issued its decision that Mr. Gray's only recourse for an invalid custody decree issued by State of Maine was in that state and cited a New Hampshire state law relevant to forum non convenience, something of which is plausibly irrelevant because the lower court in this case never made any such finding in any of its orders. The Supreme Court of New Hampshire did not address any of the federal claims that Mr. Gray raised in his writ of certiorari as the basis for his legal redress and remedy under the law. Mr. Gray's writ of certiorari was denied. (*See* App. A, Page 1a).

REASONS FOR GRANTING THE PETITON

I. THE FEDERAL QUESTION.

In *Thompson v. Thompson* this Court held that "The Parental Kidnapping Prevention Act (PKPA or Act) imposes a duty on the states to enforce a child custody determination entered by a court of a sister State if the determination is consistent with the provisions of the Act."[1] "In order for a state's court's custody decree to be consistent with the provisions of the Act, the State must have jurisdiction under its own law and one of five conditions set out 1738A(c)(2) must be met."[2] "Briefly put, these conditions authorize the state court to enter a custody decree if the child's home is or recently has been in the State, if the child has no home State and it would be in the child's best interest for the State to assume jurisdiction, or if the child is present in the State and has been abandoned or abused. Once a State exercises

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1 484 U.S. 174, 176 (1988).

2 *Id.*, 484 U.S. 174, 177 (1988).

jurisdiction consistently with the provisions of the Act, no other State may exercise concurrent jurisdiction over the custody dispute, 1738A(g), even if it would have been empowered to take jurisdiction in the first instance, and all the states must accord full faith and credit to the first State's ensuing custody decree."[3] This case arises out of a jurisdictional stalemate that came to pass notwithstanding the strictures of the Act.

Maine wrongfully "overturned" the Supreme Court of New Hamsphire's custody decree and the Maine court state judge gave no deference to neither New Hampshire's judicial orderes, what this Court has said in *Thompson v. Thompson* or the federal PKPA. Under 1738A(g) of the Act a court of a State shall not exercise jurisdiction in any proceeding for a custody determination commenced during the pendency of a proceeding in a court State where such court of that other State is exercising jurisdiction consistently with the provisions of the Act to make a custody determination. Under 1738A(a) of the Act the appropriate authorities of every State shall enforce according to its terms and shall not modify any custody determination made consistently with the Act. The New Hampshire custody decree(s) entitled to recognition and enforcement under the Act and the Full Faith and Credit Clause of the United States Constitution. The Act specifically prohibits Maine from entering any custody decrees while New Hampshire proceedings were pending in New Hampshire and had the federal duty to duty to recognize and enforce the Supreme Court of New Hampshire's Opinion that "reversed" the custody decree of Lisa Sorenson retaining custody of Mr. and Ms. Gray's children and to enforce the New Hampshire custody decrees

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3 *Id.*, 484 U.S. 174, 178 (1988).

Mr. Gray registered according to Maine state law in the Biddeford District Court. Maine was required to enforce the New Hampshire custody decrees under its own laws but also as an alternative remedy was authorized to use any other law that was available in Maine.[4] The federal PKPA law was available in Maine and federal pre-emption prevented Maine from entering custody decrees, recognizing and enforcing the New Hampshire custody decrees. If Maine had followed the federal law the current impasse between the two states would not have arisen.

Under 1738A(d) of the Act the jurisdiction of a court of a State which has made a custody determination consistently with the provisions of the Act continues as long as the requirement of subsection (c)(1), the State has jurisdiction under its own law, is met and such State remains the residence of the child or of any contestant. The requirement of subsection (c)(1) of the Act has always been met, New Hampshire has always had jurisdiction under its own adequate state laws.[5] The New Hampshire state legislature mandates that its state courts shall enter child custody

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4 *See* M.R.S.A. §1763 Duty to Enforce. App. C, Page 115a.

5 *See* NH RSA Title LI: Courts, Chapter 490-D Judicial Family Division, Section 490-D:2 Jurisdiction App. C, Page 123a, Section 490-D:3 Equity Jurisdiction, App. C, Page 124a,; NH RSA Title XLIII: Domestic Relations, Chapter 458: Annulment, Divorce and Separation, Section 458:17(I) Support and Custody of Children (repealed Oct. 2005 replaced by Chapter 461), App. C, Page 124a; Chapter 458-A: Uniform Child Custody Jurisdiction Act, Section 458-A:3 Jurisdiction to Make Child Custody Determinations, App. C, Page 128a; Chapter 461-A:Parental Rights and Responsibilities, Section 461-A:3 Procedure and Jurisdiction, App. C, Page 132a.

decrees involving cases of equity arising from annulment, divorce and separation The parents divorce decree makes a permanent provision made under adequate New Hampshire state law that "pursuant to RSA-A:3(I)(b), New Hampshire shall be deemed the children's home state for purposes of any litigation on custody or visitation" as well as a conclusive ruling of law provision that "New Hampshire is the children's "home state" within the meaning of RSA 458-A (New Hampshire's version of the Uniform Child Custody Jurisdiction Act) and 1738A(b)(4), the Federal Parental Kidnapping Prevention Act.[6] The custody decrees of New Hampshire which has jurisdiction under RSA 458-A:3 shall be binding upon all parties.[7] Under 1738A(d) of the Act New Hampshire has "continuing exclusive jurisdiction" of the Act because Mr. Gray has remained a resident of the childrens "home state" of New Hampshire and has so since 1991.

"[T]he Full Faith and Credit Clause obliges States only to accord the same force to judgments as would be accorded by the courts of the State in which the judgment was entered. Because courts entering custody orders generally retain the power to modify them, courts in other States were no less entitled to change the terms of custody according to their own views of the child's best interest. See New York ex rel. *Halvey v. Halvey*, 330 U.S. 610, 614 -615 (1947)."[8] Maine is no less entitled to change the terms of Mr. Gray and Ms. Gray's New Hampshire decree of divorce provisions of

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6 *See* App. D, Page 167a and Page 178a.

7 *See* NH RSA 458-A:12 Force and Effect of Custody Decrees

8 484 U.S. 174, 176 (1988).

"agreed shared custody" of their children then it is change its sister New Hampshire state's supreme court's terms of custody to Lisa Sorenson retaining custody of Mr. Gray and Ms. Gray's children. The review of any final judgment or decree of any State supreme court rests exclusively within the jurisdiction of this Court under 28 U.S.C. §1257(a), not within Maine state court's jurisdiction. Maine's exercise of jurisdiction of "overturning" of its sister State of New Hampshire supreme court's judgment is repugnant to this Courts judicial powers and authority. Lisa Sorenson's proper recourse to the final judgment of the Supreme Court of New Hampshire was to either file a motion for rehearing with that court or petition this Court under 28 U.S.C. § 1257(a), not in forum shopping the courts of Maine..

The context of the PKPA is the principal problem Congress was seeking to remedy, a parent who lost a custody battle in one State had an incentive to engage in 'forum shopping in another State to relitigate the custody issue in a new forum. As the legislative scheme suggests, and as Congress explicitly specified, one of the chief purposes of the PKPA is to "avoid jurisdictional competition and conflict between State courts." Pub. L. 96-611, 94 Stat. 3569, 7(c)(5), note following 28 U.S.C. 1738A.[9] It is this circumstance that has resulted in the jurisdictional deadlock in this case.[10] Congress also intended to that parents avoid excessive litigation. Mr. Gray and Ms. Gray have spent over a year in a half in the appellant courts of New Hampshire and when they prevailed and their children were in New Hampshire the trial court took the children away from their natural parents

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9 *Id.* 484 U.S. 174, 182 (1988)

10 *Id.* 484 U.S. 174, 182 (1988)

despite the parents prevailing in the highest court of New Hampshire. The parents have spent a total of three and half years of excessive litigation over their children with respect Lisa Sorenson retaining custody of their children and the children have been without their mother and father, their natural family. The petition should be granted for ultimate review of New Hampshire's duty to comply with the federal law PKPA.

II. PROCEDURAL DUE PROCESS WAS DENIED

The Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America provides no States shall deprive any person of life, liberty or property "without due process of law." In *Hager v. Reclamation Dist* this Court held due process must be pursued in the ordinary mode of prescribed law.[11] The core of these requirements is notice and a hearing for an opportunity to be heard before an impartial tribunal. In *Mullane v. Central Hanover Trust Co.*, notice is an elementary and fundamental requirement in any proceeding reasonable calculated, under all circumstances to apprise all interested parties of the pendency of an action and afford them an opportunity to present their objections.[12] In *Goldberg v. Kelly* the notice must be sufficient to enable the receipt to determine what is being proposed and what he must do to prevent the deprivation of his interest.[13] In *Baldwin v. Hale* "Parties whose rights are to be affected are

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11 111 U.S. 701, 708 (1884).

12 339 U.S. 306, 314 (1950).

13 397 U.S. 254, 267-68 (1970).

entitled to be heard."[14] In *Stanley v. Illinois* this Court held that "we have concluded that all Illinois parents are constitutionally entitled to a hearing on their fitness before their children are removed from their custody."[15]

The parents were denied an opportunity to be heard on October 8, 2004 and were deprived of their children, they were deprived of a remand hearing when the Supreme Court ruled in favor of the parents and they were denied notice and opportunity to be heard in a hearing before their children were removed from their custody on May 1, 2006 and they cancelled the hearing scheduled on May 11, 2006. Under the Act (PKPA) before any custody decree is made reasonable notice and opportunity to be heard shall be given to the parents who's parental rights have not been previously terminated. In *D.B. and T.B. v. M.A.* the court held that when another state enters a custody order without providing proper notice to a relevant party, or without giving that party reasonable opportunity to be heard, such order was not made in accordance with the PKPA and its is "not entitled to full faith and credit and the Supreme Court of Alabama has observed that "neither the Full Faith and Credit Clause of the United States Constitution, nor any legislation under its authority, entitles a child custody [judgment] entered by a court lacking in peronam jurisdiction over affected parties to extraterritorial effect."[16]

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14 68 U.S. (1. Wall.) 223, 233 (1863).

15 405 U.S. 645, 658, 92 S.Ct. 1208 (1972).

16 2006 Ala. Civ. App. 2006 LEXIS 602; *Ex Parte Raywood*, 549 So. 2d 103, 104 (Ala. Civ. App. 1989), *Ex Parte Dean*, 447 So. 2d 733, 737 (Ala. 1984), *Mav v. Anderson*, 345 U.S. 528, 543, 73 S. Ct. 840, 97 L. Ed. 1221, 67 Ohio Law Abs. 468 (1953);

III. PARENTS RIGHTS TO CUSTODY OF THEIR CHILDREN

In *Griswold v. Connecticut* this Court has long ago determined that the fundamental nature of parental rights requires notice and opportunity to be heard before parental rights may be infringed upon by removing a child from parents' custody. "It is plain that the interest of a parent in the companship, care, custody, and management of his or her children 'comes[s] to this Court with a momentum for respect lacking when appeal is made to liberties which derive merely from shifting economic arrangements'...The integrity of the family unit has found protection in the Due Process Clause of the Fourteenth Amendment, *Meyer v. Nebraska*, supra, at 399, the Equal Protection Clause of the Fourteenth Amendment, *Skinner v. Oklahoma,* supra, at 541, and the Ninth Amendment[17] In *Stanley v. Illinois* 'we observe that the State registers no gain towards its goals when it separates children from the custody of fit parents....other parents denied him equal protection under the laws In *Troxel v. Granville* "the liberty interest at issue in this case-the interest of parents in the care, custody, and control of their children-is perhaps the oldest of the fundamental liberty interests recognized by this Court."[18] The removal of Mr. and Ms. Gray's children on October 15, 2005 and again on May 1, 2006 after the parents prevailed in the Supreme Court of New Hampshire violated Jeffrey and Janette Gray's fundamental "liberty interests" of a natural parents right to

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Kulka v. Superior Court of California, 436 U.S. 84, 91, 98, S. Ct. 1690, 56 L. Ed. 2d. 132 (1978).

17 381 U.S. 479, 496 (1965).

18 530 U.S. 57 (2000)

make decisions for, care, custody and control over their children protected by the substantive component of the Due Process Clause of the Fourteenth Amendment of the United State Constitution and under *In the Matter of Jeffrey Gray. and Janette Gray* and in this Courts case of *Troxel v. Granville* and is therefore unconstitutional

CONCLUSION

The judgments of both state supreme courts are final and do not agree with one another with respect to Lisa Sorenson retaining custody of the natural parents' Jeffrey and Janette Gray's children. The parents have no other available relief other than in this Court, they have no private cause of action in federal court as this Court as said in *Thompson v. Thompson* and that "ultimate review remains available in this Court for truly intractable deadlocks." Consideration of this petition has now become ripe for this Court's exercise of its jurisdiction to determine whether the parents rights have been violated and which of two conflicting state supreme court custody decisions is valid.

For all of the various reasons presented above, Petition for Writ of Certiorari should be granted.

DATED: April 27, 2007

Respectfully submitted

JEFFREY M. GRAY
Petitioner